

Chapter 5.28

AMUSEMENT DEVICES—BILLIARD, POOL AND BAGATELLE HALLS— BOWLING ALLEYS—CARD AND GAME ROOMS

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5.28.010 Definitions.

As used in this chapter:

A. “Amusement device” means any machine, whether mechanically or electronically operated, that upon insertion of a coin, trade-token, slug or similar object, or upon payment of money or other consideration through use of a metered or similar device, operates or may be operated as a game or contest of skill or amusement, of any kind or description, and that contains no automatic payoff for the return of money or trade-tokens, or that makes no provision whatever for the return of money to the player. An amusement device is further defined as any machine, apparatus or contrivance that is used or that may be used as a game of skill and amusement wherein or whereby the player initiates, employs or directs any force generated by the machine, but specifically excludes a musical mechanical amusement device as hereinafter defined.

B. “Distributor” means any person, firm, corporation, partnership, LLC, association or other entity who sets up for operation by another, leases, rents, sells, distributes, or in any way provides for the purpose of operation any amusement device, whether for a fixed charge or rental, or on the basis of a division of the income derived from such devices, or otherwise.

C. “Musical mechanical amusement device” means and includes each machine vending recorded music, or a period of radio or television entertainment in return for the insertion or deposit therein of a coin, trade-token, slug, or similar object; provided, how-

ever, that this does not include coin-operated radios or television sets in private quarters.

5.28.020 Amusement devices license—Required—Fees.

A. It is unlawful to install, operate or maintain for public patronage or operation of an amusement device or musical mechanical amusement device without having first obtained a license therefor. Applications shall be made to the license official.

B. The fee for such license shall be as specified on the fee schedule adopted pursuant to section 5.06.050.

5.28.030 Distributor's fees.

The license fee for each distributor shall be as specified on the fee schedule. All distributors license fees shall be payable annually in advance, provided, that where application is made after the expiration of any portion of any license year, a license may be issued for the remainder thereof upon payment of a proportionate part of the annual fee.

5.28.040 License—Issuance conditions.

No license shall be issued except to a person of good character, approved by the city. Upon approval of the applicant and the payment of the license fee, the license official shall issue a stamp bearing a notation: "City of Cottonwood Heights for the Twelve Months Ending _____, _____." One license shall be issued for each device licensed, and it shall be placed in a conspicuous place and so affixed that it cannot be transferred from one machine to another.

5.28.050 Devices to be kept in plain view.

All such devices shall at all times be kept in plain view of any person or persons who may frequent or be in any place of business where such devices are kept or used.

5.28.060 Inspection of premises and devices.

The police department shall inspect or cause the inspection of any place or building in which any such device or devices are operated or set up for operation, and shall periodically inspect, investigate and test such devices.

5.28.070 Gambling devices not authorized.

Nothing in this chapter shall be construed to authorize, permit or license any gambling device of any nature whatsoever.

5.28.080 Billiard, pool and bagatelle halls license—Required.

It is unlawful to operate, maintain or conduct a billiard, pool or bagatelle hall open to the public without having first obtained a license therefor as is required in this chapter. All applications for such licenses shall state thereon the intended location of the place of business and the number of tables to be used therein.

5.28.090 License—Fees.

The annual license fee for billiard, pool and bagatelle tables shall be as specified on the fee schedule adopted pursuant to section 5.06.050.

5.28.100 Hours of operation.

No billiard, pool or bagatelle hall shall operate between the hours of 2:00 a.m. and 6:00 a.m. If alcoholic beverages are sold on the premises, the hours of operation shall be further limited (but not extended) to the times specified in this code.

5.28.110 Visibility of the interior.

A clear, unobstructed view from the entrance of the entire interior of the billiard, pool or bagatelle hall, excluding the restroom, shall be maintained by the licensee at all times, nor shall the licensee erect or maintain any en-

closed booths, blinds or stalls within the interior of the licensed premises.

5.28.120 Operation—Restrictions concerning minors.

In billiard, pool and bagatelle halls serving minors, no alcoholic beverages or cigarettes shall be sold, dispensed, or consumed on or about the premises, which includes the parking lot. Further, it is unlawful for licensees of billiard, pool or bagatelle halls to operate the same in contravention of the curfew provisions outlined in this code.

5.28.130 Bowling alleys license—Required.

It is unlawful to operate or maintain a bowling alley open to the public without having first secured a license therefor as is required in this chapter. Applications for such licenses shall be made to the license official and shall be in writing and state thereon the intended location of the place of business and the number of alleys to be used.

5.28.140 License—Fee.

The annual license fee for a bowling alley shall be as specified in the fee schedule adopted pursuant to section 5.06.050.

5.28.150 Separation of bowling and lounge areas.

It is unlawful to carry any mixer, setup, alcoholic beverage or beer into the area where bowling is taking place. The above-mentioned beverages shall be strictly confined to the lounge area of the bowling alley.

5.28.160 Card and game rooms—Individual license requirements.

It is unlawful to keep, maintain or operate in the city any room where there is played any bingo, backgammon, cards, checkers, or other games of similar nature, or any game played with beans, buttons, dice or similar devices, or to keep, maintain or operate in the city any

table on which such games are played, where a charge is made for the use of the room, use of the tables, or for the privilege of playing on such tables or in such room, without first obtaining a license.

5.28.170 Club license requirements.

It is unlawful for any club, group or association within the city, whether incorporated or not, to maintain a regular club or meeting room, or any table within such room, for the purpose of providing members, guests or other persons with a place to play any of the games set forth in the preceding section, without first obtaining a license therefor.

5.28.180 License—Application—Contents.

Applications shall be made to the license official and shall include a sworn statement by the applicant showing the street and house number of the place where it is proposed to maintain such room or table, the name of the place of business and of any club, association or corporation operating the premises, the number of tables used or intended to be used for playing games, and the names and addresses of all officers of such organizations responsible for the operation of the rooms or tables.

5.28.190 License—Application—Investigation.

The license official shall refer all applicants and sworn statements of applicants to the police department for an investigation and report. The police department shall report to the manager, within five days of the receipt of such information, the general reputation and character of the person making application, of the place sought to be licensed, and of its patrons. The police department shall further indicate the nature and kind of business conducted at such place or at any other place by the applicant, and shall note whether gambling of any description has been carried on or in-

dulged in at the place, whether known gamblers operate, supervise or play any game, or appear to be employed in or about the card and game room, and whether the place is or has been previously conducted in a lawful, orderly manner. The police department shall make its recommendations as to the issuance or denial of the application.

5.28.200 License—Fee.

The annual license fee for conducting card and game rooms or tables for the playing of cards shall be as specified on the fee schedule adopted pursuant to section 5.06.050.

5.28.210 Premises—Periodic inspections.

The police department shall, after license has been issued, make periodic inspections of the licensed premises in order to insure strict compliance with the provisions of this chapter and particularly with such as govern the issuance of a license in the first instance. Violations shall be promptly reported to the manager, which shall take such action with regard to revocation as it deems necessary.

5.28.220 License—Revocation.

The license of any person for the operation of card and game tables may be revoked by the manager at any time upon notice and hearing for the violation of any city ordinance or state law, or for any other good and sufficient reason.

5.28.230 Hours of operation.

It is unlawful for any licensee or agent thereof to permit the use of card or game rooms for the playing of games enumerated in this chapter between the hours of 1:00 a.m. and 7:00 a.m. of the same day.

5.28.240 Unobstructed view of tables.

It is unlawful for any person to operate a card room where the view of the tables from the entrance is blocked or obstructed by partitions or dividers of any kind.

5.28.250 Locked doors and alarm devices prohibited.

A. It is unlawful for any person licensed under the provisions of this chapter to permit any game to be played behind locked, barred or barricaded doors, or in such a place as is not readily accessible to law enforcement officers.

B. No person shall keep upon such premises any lookout, signal, buzzer, alarm or other device of any kind capable of use for the purpose of warning occupants of the presence of law enforcement officers.

C. It is unlawful for any person to play any game behind a locked, barred or barricaded door, or under any conditions herein above specified in this chapter.

5.28.260 Alcoholic beverages prohibited.

It is unlawful for any person to sell, dispense or allow to be consumed alcoholic beverages on the premises of any card room.

5.28.270 Playing for money prohibited.

It is unlawful to play cards and games for money or anything of value, or to engage in any kind of gaming or gambling.

5.28.280 Persons under 21 prohibited.

It is unlawful for any person or the agent, manager or representative of such licensee, licensed under the provisions of this chapter, to permit or allow persons under the age of 21 years to visit, frequent or remain in any room where the games enumerated herein are being played or operated.

5.28.290 Known gamblers prohibited.

It is unlawful for any person licensed under the provisions of this chapter, or the agent, manager or representative of such licensee, knowingly to employ any known gambler, to conduct any of the games enumerated in this chapter, or to work in or about licensed premises.

5.28.300 Amusement hall defined.

“Amusement hall” means and is defined as an arcade, building or game room, wherein automatic amusement devices and games are available to the public for a fee.

5.28.310 License—Required.

It is unlawful to conduct or operate any amusement hall or game room that is open to the public, without first having acquired a license therefor. The license fee for an amusement hall shall be as specified on the fee schedule adopted pursuant to section 5.06.050.

5.28.320 Hours of operation.

No amusement hall catering to minors shall be operated in a manner contrary to the curfew provisions of this code.

5.28.330 Liquor, beer and tobacco restrictions.

There shall be no liquor, beer or tobacco sold, used or allowed to be consumed on the premises or in the parking lot of any amusement hall catering to minors.